

DOCKET NO. HHD-CV-23- : SUPERIOR COURT  
OFFICE OF CHIEF DISCIPLINARY COUNSEL : J.D. OF HARTFORD  
VS. : AT HARTFORD  
EMANUELE ROBERT CICCHIELLO : JANUARY 13, 2023

**PRESENTMENT OF ATTORNEY FOR MISCONDUCT**

To the Superior Court within and for the Judicial District of Hartford, now in session, comes now the Office of Chief Disciplinary Counsel, duly authorized and appointed pursuant to Practice Book § 2-34A, and makes presentment to the Court that Emanuele Robert Cicchiello of Hartford, Connecticut, has been guilty of misconduct involving his character, integrity, and professional standing and conduct, and complains and says:

1. Emanuele Robert Cicchiello, Juris #424778 (hereinafter "the Respondent") is an attorney duly admitted to the bar of the State of Connecticut on October 31, 2005. The Respondent has no history of discipline.
2. On or about March 4, 2021, Alexander J. Sarris (hereinafter "Complainant") filed a grievance complaint (#21-0087) against the Respondent alleging unethical conduct.
3. The Complainant was employed as an associate attorney at Respondent's law firm, Cicchiello & Cicchiello, LLP (hereinafter "C&C"), where he primarily handled workers compensation files.

4. On February 2, 2021, the Complainant notified the Respondent that he would be leaving his employ at C&C in order to join the law firm of Dzialo, Pickett & Allen, P.C. (hereinafter “DPA”). The Respondent asked him to leave that day.

5. The Complainant left the office at approximately 11:00 a.m. on February 2, 2021, thereby terminating his employment at C&C.

6. The Complainant and one of the principals at DPA, Attorney AnnMarie C. Rocco, sought to comply with their ethical obligations by notifying clients that the Complainant was departing C&C, and informing them of their right to have their files remain with C&C, transferred with the Complainant, or transferred elsewhere.

7. Attorney Rocco reached out to the Respondent in an effort to send a joint letter to the clients.

8. In an email to Attorney Rocco dated February 2, 2021 at 5:22 p.m., the Respondent advised her that the clients belong to his firm and stated “I will say, in unambiguous terms that should you proceed in this manner we will not hesitate to sue Alex personally and your firm, as well as file grievances. If you act on your email and participate, we will include you and your firm in those grievances and lawsuits...By virtue of your email, you have in essence admitted to conspiring to commit a crime and exposed yourself and Alex to civil damages and potential criminal liability...Again, the clients are my firms, not Alex’s. DO NOT CONTACT THEM IN ANY MANNER.”

9. On February 3, 2021, the Respondent filed an Ex-Parte Application for Temporary Restraining Order against the Complainant, DPA, Attorney Rocco, and another principal of the firm, Attorney Sylvia Rutkowska.

10. On February 4, 2021 at approximately 10:15 a.m., the Respondent contacted his Network Administrator and requested that he access the Complainant's office computer and undertake a targeted investigation into the Complainant's communications with Attorney Rocco, Attorney Rutkowska, or any other individuals at DPA.

11. In doing so, the Network Administrator accessed the Complainant's personal Gmail account, without his authorization, and retrieved, copied and downloaded personal emails through and including February 4, 2021.

12. The personal emails from the Gmail account were downloaded by the Network Administrator onto C&C's computer server.

13. The Temporary Restraining Order was granted by the Court (Sheridan, J.) on February 9, 2021. The Order prohibited, inter alia, the defendants from "initiating any contact with any person who is currently a client of Cicchiello & Cicchiello, LLP., until further order of this Court." The Complainant and DPA had already sent ballot letters to the clients.

14. On February 8, 2021 (*prior to the granting of the Temporary Restraining Order*), Mr. Justice Rodriguez went to C&C to request his file as he was no longer interested in its legal services. The receptionist inquired if the file was being transferred

to the Complainant, which Mr. Rodriguez confirmed. He was advised to return the next day to retrieve his file.

15. Mr. Rodriguez did in fact return to the office on February 9, 2021 and retrieved his file.

16. The Respondent thereafter called Mr. Rodriguez in the afternoon of February 9, 2021. He followed up that telephone conversation with an email to Mr. Rodriguez on February 9, 2021 at 5:38 p.m.

17. In said email, the Respondent confirmed the telephone conversation and acknowledged that Mr. Rodriguez requested and received a copy of his file as he wished to transfer it to the Complainant. He further confirmed that he had advised him that there was an upcoming hearing for settlement discussions, and that he told Mr. Rodriguez that C&C “could attend the hearing and try to reach a settlement and bring the file to a conclusion, or alternatively, I can inform the commissioner that you wished to have the matter continued until such time that the Court makes a determination on the pending issue between the two firms.”

18. On May 24, 2021, the Hartford Judicial District Grievance Panel for G.A. 13 and the Town of Hartford found probable cause that the Respondent violated Rules 1.4, 3.4, 4.4, and 8.4(4) of the Rules of Professional Conduct.

19. On November 7, 2022, Disciplinary Counsel filed Additional Allegations of Misconduct asserting violations of Rules 8.4(2), 4.4(a), 1.16(a)(3), 4.2, 7.3(b), 8.4(4), and 3.4(7) of the Rules of Professional Conduct.

20. On December 5, 2022, the Respondent executed an Admission of Misconduct Pursuant to Practice Book § 2-82(c) agreeing to submit the matter directly to the Superior Court, together with an accompanying Affidavit in which he denied some or all of the material facts in the grievance complaint, but acknowledged that there is sufficient evidence to prove by clear and convincing evidence the material facts constituting a violation of Rule 3.4(7) of the Rules of Professional Conduct (threatening to present criminal charges solely to obtain an advantage in a civil matter). (See Exhibit A attached hereto)

21. Based upon the above facts, the Respondent engaged in additional misconduct which violated the Rules of Professional Conduct as follows:

- a. Rule 1.4 (communication) regarding the proper method for notifying existing clients of the departure of the attorney with whom they have had a relationship upon the attorney's relocation to a different firm;
- b. Rule 3.4 (fairness to opposing party and counsel);
- c. Rule 4.4 (respect for rights of third persons);
- d. Rule 8.4(4) by engaging in conduct that is prejudicial to the administration of justice;

e. Rule 8.4(2) in that he committed a criminal act that reflects adversely on his honesty, trustworthiness or fitness as a lawyer in other respects. Specifically, he committed the computer crime of unauthorized access to a computer system, in violation of C.G.S. § 53a-251(b) in that, knowing that he was not authorized to do so, he accessed or caused to be accessed a computer system without authorization;

f. Rule 8.4(2) in that he committed a criminal act that reflects adversely on his honesty, trustworthiness or fitness as a lawyer in other respects. Specifically, he committed the computer crime of misuse of computer system information in violation of C.G.S. § 53a-251(e)(1) in that as a result of his accessing or causing to be accessed a computer system, he intentionally made or caused to be made an unauthorized display, use, disclosure or copy, in any form, of data residing in, communicated by or produced by a computer system; or (2) he intentionally or recklessly and without authorization (A)...took data intended for use by a computer system, whether residing within or external to a computer systems, or...(3) he knowingly received or retained data obtained in violation of subdivision (1) or (2) of this subsection; or (4) he used or disclosed any data he knew or believed was obtained in violation of subdivision (1) or (2) of this subsection;

g. Rule 8.4(2) ) in that he committed a criminal act that reflects adversely on his honesty, trustworthiness or fitness as a lawyer in other respects. Specifically, he committed a crime pursuant to 18 U.S.C.A. § 2701(a)(1) in that he intentionally accessed without authorization a facility through which an electronic communication service is

provided...and thereby obtained an electronic communication while it was in electronic storage;

h. Rule 4.4(a) in that he used methods of obtaining evidence that violated the legal rights of the Complainant;

i. Rule 1.16(a)(3) in that a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if the lawyer is discharged;

j. Rule 7.3(b) in that a lawyer shall not solicit professional employment by live person-to-person contact when a significant motive for the lawyer's doing so is the lawyer's or law firm's pecuniary gain;


k. Rule 8.4(4) in that he engaged in conduct prejudicial to the administration of justice with regard to his contact and communication with Mr. Rodriguez after he had been discharged, knowing that Mr. Rodriguez was now being represented by the Complainant; and

l. Rule 8.4(4) in that he engaged in conduct prejudicial to the administration of justice by threatening civil action, grievances, and criminal charges against the Complainant and members of his new firm if they sent letters to any clients.

WHEREFORE, the Petitioner, Office of Chief Disciplinary Counsel, prays that such proceedings may be had on this complaint as provided by law and the rules of the Court, that an appropriate order of discipline be issued against the Respondent, and that costs and expenses be taxed against the Respondent.

Dated at Hartford, Connecticut, this 13<sup>th</sup> day of January, 2023.

THE PETITIONER  
OFFICE OF CHIEF DISCIPLINARY COUNSEL

By:   
Leanne M. Larson  
First Assistant Chief Disciplinary Counsel



DOCKET NO. HHD-CV-23- : SUPERIOR COURT  
OFFICE OF CHIEF DISCIPLINARY COUNSEL : J.D. OF HARTFORD  
VS. : AT HARTFORD  
EMANUELE ROBERT CICCHIELLO :

**SUMMONS**

**To Any Proper Officer:**

By the authority of the State of Connecticut, you are hereby commanded to summon Emanuele Robert Cicchiello to appear before the Superior Court in and for the Judicial District of Hartford, 95 Washington Street, Hartford, CT 06106, Courtroom \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2023 at \_\_\_\_\_ o'clock AM/PM, then and there to answer unto the foregoing Presentment of Attorney for Misconduct, by serving the Respondent, Emanuele Robert Cicchiello, a true and attested copy of the Presentment of Attorney for Misconduct, Summons, and of the Order for Hearing and Notice to be served upon him in hand at 364 Franklin Avenue, Hartford, CT 06114, or at his usual place of abode at 55 Papermill Road, Glastonbury, CT 06073, on or before the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Hereof fail not, but due service and return make.

Dated at Hartford, Connecticut, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Leanne M. Larson  
Commissioner of the Superior Court

Office of Chief Disciplinary Counsel  
100 Washington Street, Hartford, CT 06106  
Tel (860) 706-5055 \* Fax (860) 706-5063  
Juris no. 422382

EXHIBIT A

EXHIBIT A

DOCKET NO. : SUPERIOR COURT  
OFFICE OF CHIEF DISCIPLINARY COUNSEL : J.D. OF HARTFORD  
VS. : AT HARTFORD  
EMANUELE ROBERT CICCHIELLO : :

**ADMISSION OF MISCONDUCT PURSUANT TO PRACTICE BOOK § 2-82(C)**

Pursuant to Practice Book §§ 2-82(c) and 2-82(a)(2), the undersigned Respondent and Disciplinary Counsel stipulate and agree as follows:

1. Emanuele Robert Cicchiello (hereinafter Respondent), Juris Number 424778, was admitted to the bar of the State of Connecticut on October 31, 2005. The Respondent has no history of discipline.
2. On or about March 4, 2021, Alexander J. Sarris instituted a grievance complaint, #21-0087, against the Respondent.
3. On May 24, 2021, the Hartford Judicial District Grievance Panel for G.A. 13 and the Town of Hartford found probable cause that the Respondent violated Rules 1.4, 3.4, 4.4, and 8.4(4) of the Rules of Professional Conduct.
4. On November 7, 2022, Disciplinary Counsel filed Additional Allegations of Misconduct asserting violations of Rules 8.4(2), 4.4(a), 1.16(a)(3), 4.2, 7.3(b), 8.4(4), and 3.4(7) of the Rules of Professional Conduct.
5. In connection with said grievance complaint, #21-0087, the Respondent has tendered an affidavit pursuant to Practice Book § 2-82(d), attached hereto, and although the Respondent denies some or all of the material facts in the complaint, he acknowledges that there is sufficient evidence to prove by clear and convincing evidence the material facts constituting a violation of Rule 3.4(7) of the Rules of Professional Conduct.
6. Pursuant to Practice Book § 2-82(c), the Respondent and Disciplinary Counsel are unable to agree to a proposed disposition, but agree that this matter should be submitted directly to the Superior Court for the imposition of whatever discipline the court deems appropriate.
7. The Respondent also acknowledges and agrees that Disciplinary Counsel, pursuant to Practice Book § 2-82(e), will include and pursue in the presentment to the Superior Court, in addition to the violation of Rule 3.4(7), the Respondent's alleged violations of each of the other rules cited in the Local Panel's probable cause findings dated May 24, 2021, and in Disciplinary Counsel's Additional Allegations of Misconduct dated November 7, 2022.

8. The Respondent and Disciplinary Counsel agree that if this Admission of Misconduct is rejected by the Superior Court, this matter shall be referred for further proceedings before a different judicial authority.

WHEREFORE, this matter is submitted to the court for its consideration in accordance with Practice Book § 2-82(c).

Office of Chief Disciplinary Counsel,

12-5-22  
Date

By: Leanne M. Larson  
Leanne M. Larson  
First Assistant Chief Disciplinary Counsel

12/5/22  
Date

Emanuele Robert Cicchiello  
Emanuele Robert Cicchiello  
Respondent

12/5/22  
Date

Brendon P. Levesque  
Brendon P. Levesque  
Attorney for Respondent

DOCKET NO. : SUPERIOR COURT  
OFFICE OF CHIEF DISCIPLINARY COUNSEL : J.D. OF HARTFORD  
VS. : AT HARTFORD  
EMANUELE ROBERT CICCHIELLO : :

**AFFIDAVIT**

I am over the age of 18 and believe in the obligation of an oath. Pursuant to Practice Book § 2-82(d), I make the following affidavit:

1. The Admission of Misconduct attached hereto and made a part hereof is voluntarily submitted.
2. I hereby consent to this matter being submitted and presented to the Superior Court for consideration, possible acceptance and disposition.
3. I am aware that I have a right to a full evidentiary hearing on this matter with the assistance of an attorney and I waive that right by entering into this agreement.
4. I have been neither subject to coercion nor duress and I am fully aware of the consequences of this Affidavit and Admission of Misconduct.
5. I am aware of the current proceeding regarding my alleged violation of Rules 1.4, 3.4, 4.4, 8.4(2), 4.4(a), 1.16(a)(3), 4.2, 7.3(b), 8.4(4), and 3.4(7) of the Rules of Professional Conduct.
6. Although I deny some or all of the material facts in the complaint, I acknowledge that there is sufficient evidence to prove by clear and convincing evidence the material facts constituting a violation of Rule 3.4(7) of the Rules of Professional Conduct.
7. Pursuant to Practice Book § 2-82(c), I agree that Disciplinary Counsel and I are unable to agree to a proposed disposition, but agree that this matter should be submitted directly to the Superior Court for the imposition of whatever discipline the court deems appropriate.
8. I also acknowledge and agree that Disciplinary Counsel, pursuant to Practice Book § 2-82(e), will include and pursue in the presentment to the Superior Court, in addition to the violation of Rule 3.4(7), my alleged violations of each of the other rules cited in the Local Panel's probable cause findings dated May 24, 2021, and in Disciplinary Counsel's Additional Allegations of Misconduct dated November 7, 2022.

9. I agree that if this Admission of Misconduct is rejected by the Superior Court, this matter shall be referred for further proceedings before a different judicial authority.

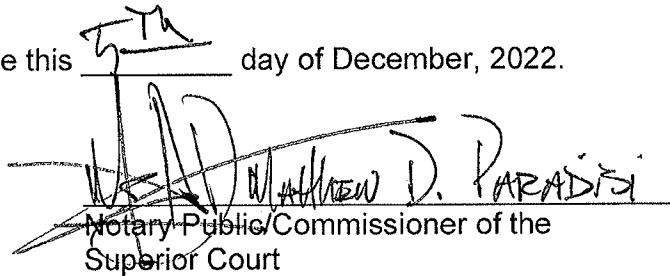
STATE OF CONNECTICUT)

COUNTY OF Hartford ) ss.



Emanuele Robert Cicchiello

Subscribed and sworn to before me this 5th day of December, 2022.



Matthew D. PARADISI  
Notary Public/Commissioner of the  
Superior Court